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**DECISION**



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**THE COMPTROLLER GENERAL  
OF THE UNITED STATES  
WASHINGTON, D. C. 20548**

FILE: B-190754

DATE: December 6, 1977

MATTER OF: Skil Corporation

**DIGEST:**

Question of whether bidder can deliver product that conforms to specification at offered price is one of responsibility. GAO does not review protests involving affirmative responsibility determinations except in limited circumstances.

Skil Corporation (Skil) protests the award to any other bidder of Item 1 of solicitation No. FTAP-B4-9661A-A, issued by the General Services Administration, Federal Supply Service. Skil contends that no other bidder "with a price lower than \* \* \* [its] quotation can deliver a product that will conform to the purchase description."

The question of whether a bidder can deliver a product which conforms to the specification at its offered price is one of responsibility. DOT Systems, Inc., B-137994, February 18, 1977, 77-1 CPD 123 and cases cited therein. Where a contracting officer has determined a bidder to be responsible, that affirmative determination of responsibility will not be questioned by this Office unless either fraud or bad faith is alleged on the part of the procuring officials or where the solicitation contains definitive responsibility criteria which allegedly have not been applied. Central Metal Products, Inc., 54 Comp. Gen. 66 (1974), 74-2 CPD 64. Since this case involves neither of these allegations, the protest is dismissed.

*Handwritten signature: Paul G. Dembling*  
Paul G. Dembling  
General Counsel